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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,535	11/14/2003	Vaughn J. Weston	1010-5554.1US (214-30819.	2205
24247	7590	10/06/2005	EXAMINER	
TRASK BRITT P.O. BOX 2550 SALT LAKE CITY, UT 84110			HOEY, BETSEY MORRISON	
			ART UNIT	PAPER NUMBER
			1724	
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/714,535

Applicant(s)

WESTON ET AL.

Examiner

Betsey M. Hoey

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 1,2,10-15 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 3-9,16 and 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,758,978 to Bedell. Referring to Figure 1, Bedell teaches an apparatus comprising a bottom 14; a discharge port 16, through the bottom which is shown to be restricted by rakes 63; baffles 56; rotating pickets 62, which rotate about axis 48 by drive head 61 of a clarifier; cover plate 74; side wall 10; and rakes 63, which rotate adjacent bottom 14 and the lower part of side wall 10. It is submitted that if the apparatus of Bedell is envisioned to have two sides in Figure 1, wherein the axis is the center, then the discharge port is located between bottom sections on either side of the axis. The bottom, discharge port, pickets, cover plate, and rakes of Bedell are patentably indistinguishable from the floor, opening, paddles, top wall, and scraper of the instant claims.

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3. Claims 10-15 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,795,484 to Greenwald, Sr. Referring to Figures 4 and 5, Greenwald, Sr. teaches an apparatus comprising a sidewall, and inwardly and downwardly extending bottoms 156 and 146 having an annular opening therebetween. The opening is configured to constrict flow by providing annular rings 158 and 160, which are patentably indistinguishable from baffles, and which are located beneath the opening. The apparatus also comprises a dispersion dispenser 144, which is patentably indistinguishable from a paddle, and which can take the form of a rotating arm.
4. Claims 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Bedell (see above). Bedell teaches an apparatus comprising a side wall 10, bottom 14, rakes 63, baffles 56, and pickets 62, which are patentably indistinguishable from the side wall, floor, scraper, baffles, and paddles of the instant claims. The rakes of Bedell are configured so as to move material from the inside of the bottom, and it is inherent that if material built up on the side wall, it would also be shifted and removed by the churning action of the rakes. The pickets of Bedell rotate about axis 48.
5. Claims 24 and 25 are allowed.
6. Claims 3-9, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. The following is a statement of reasons for the indication of allowable subject matter:

Claims 3-8 would be allowable if rewritten in independent form including all of the limitations of claims 1 and 2, because the prior art of record fails to teach, disclose, or fairly suggest a feedwell for a clarifier comprising a top wall exhibiting a substantially frustoconical shape, in combination with all of the other limitations of claims 1 and 2.

Claim 9 would be allowable if rewritten in independent form including all of the limitations of claims 1, because the prior art of record fails to teach, disclose, or fairly suggest a feedwell for a clarifier comprising a baffle disposed beneath an opening, wherein the opening is as recited in claim 1, in combination with all of the other limitations of claim 1.


Claim 16 would be allowable if rewritten in independent form including all of the limitations of claims 10, 14 and 15, because the prior art of record fails to teach, disclose, or fairly suggest a feedwell for a clarifier comprising a scraper located and configured to rotate about a central axis adjacent an interior surface of first and second floor sections, wherein the floor sections are arranged as recited in claim 10, in combination with all of the other limitations of claims 10, 14 and 15.

Claim 17 would be allowable if rewritten in independent form including all of the limitations of claims 10, 14 and 15, because the prior art of record fails to teach, disclose, or fairly suggest a feedwell for a clarifier comprising a scraper located and configured to rotate about a central axis adjacent an interior surface of a side wall, in combination with all of the other limitations of claims 10, 14 and 15.

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Claims 24 and 25 are allowed because the prior art of record fails to teach, disclose, or fairly suggest a clarifier comprising a tank and a feedwell, wherein the feedwell comprises a body including a floor and opening configured to restrict slurry flow, and wherein the feedwell also comprises a baffle, paddle, and scraper arranged and configured as recited in claim 24.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Betsey Hoey whose telephone number is **(571) 272-1158**. The examiner's supervisor, Mr. Duane Smith, may be reached at (571) 272-1166. Any inquiry of general nature may be directed to the Group receptionist at (571) 272-0987. The centralized fax number for the Group is (571) 273-8300.

  
**BETSEY MORRISON HOEY**  
**PRIMARY EXAMINER**

October 3, 2005